

Local Rule 4-6 - Representation of Indigent Litigants

(a) Civil Trial Assistance Panel. The court has established a civil trial assistance panel to help provide legal representation to indigent civil litigants who request it. The panel consists of attorneys, law school legal clinics, and law firms who have applied for membership and who are willing to represent litigants who cannot afford an attorney.

(b) Requests for Representation. If the court determines that a litigant is unable to afford an attorney and that one should be appointed under 28 U.S.C. § 1915(e), 42 U.S.C. § 2000e-5(f), or another statute, the court may:

(1) request that a specific member of the panel or of this court's bar represent the litigant; or

(2) direct the clerk to select an attorney from the panel at random and request that the attorney represent the litigant.

(c) Right to Decline Request; Appearance upon Acceptance. An attorney may decline a request to represent an indigent litigant. An attorney who accepts a request must file an appearance within 14 days of the request.

(d) Duration of Representation. An attorney who accepts a request must represent the litigant from the date the attorney enters an appearance until:

(1) the attorney withdraws as allowed under this rule;

(2) the attorney is discharged or removed from the case;

(3) the court enters final judgment (if reasonable collection and enforcement efforts are not appropriate); or

(4) the attorney undertakes reasonable collection and enforcement efforts after final judgment.

(e) Withdrawal. An attorney who accepts a request to represent an indigent litigant may not seek to withdraw from the litigant's case unless:

(1) the attorney and the litigant are personally incompatible;

(2) the attorney believes the litigant is pursuing the case for improper purposes;

(3) it appears that the litigant is able to afford a private attorney;

(4) another attorney appears for the litigant before or at the same time the attorney withdraws; or

(5) the attorney has, in writing, both

(A) asked the litigant for permission to withdraw, and

(B) informed the litigant that the court may choose not to replace the attorney should the attorney withdraw.

(f) Discharge and Replacement Requests. The litigant may ask the court to discharge or replace the attorney.

(g) Discretion of Court to Remove Attorney. The court has discretion to grant or deny requests to withdraw, discharge, or replace attorneys whom it has requested represent an indigent litigant.

(h) Arrangements Between Litigant and Attorney. An attorney who represents a litigant under this rule may:

(1) represent the litigant for pay if the litigant can afford a private attorney;

(2) represent the litigant for longer than is necessary to undertake reasonable collection or enforcement efforts; or

(3) negotiate and enter into a voluntary fee arrangement with the litigant.

(i) Expenses. The court will reimburse an attorney up to \$500 for itemized copy, mail, telephone, travel, and expert-witness expenses that the attorney incurs while representing a litigant under this rule. But the court, in its discretion, may reimburse an attorney up to \$1,000 for these expenses. To receive reimbursement, the attorney must file a petition and appropriately itemize the expenses. The court will not reimburse an attorney for expenses that the attorney could recover from a source other than the litigant.

(j) Award of Fees. Upon appropriate application, the court may award attorney's fees to a litigant who is represented by an attorney under this rule as if the litigant had retained a private attorney.